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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,695	02/27/2004	Barret Lippey	02103-603001 / AABOSS32-C	9312
26162 7590 06/02/2008 FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER MAHONEY, CHRISTOPHER E	
			ART UNIT 2862	PAPER NUMBER
			MAIL DATE 06/02/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/789,695	<b>Applicant(s)</b> LIPPEY ET AL.	
	<b>Examiner</b> Christopher E. Mahoney	<b>Art Unit</b> 2862	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-11 and 73-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-11, 73-76 and 78 is/are rejected.
- 7) ☒ Claim(s) 77 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/30/08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

The indicated allowability of claims 3-11, 73-76 and 78 is withdrawn in view of the newly discovered reference(s) to Takayama. Rejections based on the newly cited reference(s) follow.

Claim 77 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3-4, 6-7, 73-76, and 78 are rejected under 35 U.S.C. 102(b) as being anticipated by Takayama (U.S. Pat. No. 5,715,083). Takayama teaches an optical device comprising a projection screen comprising a first reflective layer BS or RS, a second reflective layer the other of BS or RS respectively, *substantially* continuous layers of dielectric material GS, each layer consisting of alternating high and low indices of refraction (col. 2, lines 43-57) so that the optical output of the device includes substantially more light in wavelengths in a plurality of narrow wavelength bands (fig. 6, 9) than light not in the plurality of wavelength bands. Each layer BS, GS and RS reflects light and is therefore a reflector. Each layer, including layer GS comprises a

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photosensitive material which has been treated as described in col. 2 so as to create continuous layers of dielectric material each layer consisting of alternating high and low indices of refraction.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama (U.S. Pat. No. 5,715,083) in view of Yamada (U.S. Pat. No. 5,148,309). Takayama teaches the salient features of the claimed invention except for an aluminum reflective layer and polarization. Yamada teaches in col. 4, line 33 that aluminum is known as the reflection material in reflective projection screens. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the aluminum taught by Yamada for the purpose of utilizing readily available materials. The applicant should note that it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Yamada teaches in the abstract that it was known to utilize a polarizing layer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Yamada for the purpose of expansive diffusion without deterioration of effective function.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama (U.S. Pat. No. 5,715,083) in view of Portner (U.S. Pat. No. 3,942,869). Takayama teaches the salient features of the claimed invention except for the size greater than 7 inches. Portner teaches in col. 1, line 45 that it was known to provide a screen greater than 7 inches. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Portner for the purpose of large panoramic viewing.

Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama (U.S. Pat. No. 5,715,083) in view of Shimoda (U.S. Pub. No. 2004/0240053). Takayama teaches the salient features of the claimed invention except for diffuser in the reflective layer. Shimoda teaches in figure 3 that it was known to incorporate a diffuser with the reflective layer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to diffuser of Shimoda for the purpose of creating a projection screen out of the optical element.

### ***Response to Arguments***

Applicant's arguments with respect to claims 3-11, 73-76 and 78 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Mahoney whose telephone number is (571) 272-2122. The examiner can normally be reached on 8:30AM-5PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on (571) 272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher E Mahoney/  
Primary Examiner, Art Unit 2862